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THE EFFECTS OF TWO VARIABLES, VICTIM PROVOCATION AND  
DEFENDANT INTOXICATION, ON SIMULATED JURORS' PERCEPTIONS OF GUILT  
IN A CASE OF WIFE-BATTERING

By

Teresa M. Sweeney

B.A., University of Montana, 1976

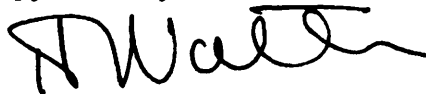
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1979

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Sweeney, Teresa M., M.A., Fall, 1979

Psychology

The Effects of Two Variables, Victim Provocation and Defendant Intoxication, On Simulated Jurors' Perceptions of Guilt in a Case of Wife-Battering (84 pp.)

Director: Dr. Herman A. Walters 

The purpose of the present investigation was to: (a) investigate the general effect of a hypothetical wife-battering case on simulated jurors' perceptions of a defendant's guilt, (b) assess the impact of manipulating two informational variables in the case, victim provocation and intoxication of the assaulter, on jurors' verdicts, and (c) examine the relationship between jurors' perceptions of guilt and general views of the role of women in society, as estimated by a short version of the Attitudes toward Women Scale (AWS).

174 subjects who had previously completed the AWS were selected from University of Montana psychology classes and randomly assigned to one of four experimental conditions. All subjects received a case summary involving charges stemming from an incident in which a woman was beaten by her husband. Half of the subjects received information which indicated the victim had provoked the beating, while the other subjects received information which indicated she had not. Likewise, case summaries either indicated that the defendant was intoxicated at the time of the battering incident, or that he was sober. Subjects first read the case summaries, then rendered an individual verdict and made recommendations for sentencing. Next, subjects were divided into six-person jury groups and asked to render an unanimous group verdict. Finally, subjects completed a brief questionnaire concerning their perceptions of the victim, the defendant, and the case in general.

Results indicated that: (a) when the victim had provoked the battering, female subjects were significantly more likely to find the defendant guilty than when the victim did nothing to provoke her attacker, (b) jurors who were told the defendant was intoxicated were no more likely to find the defendant innocent than were those jurors who were told he was sober, and (c) jurors having traditional attitudes toward the role of women were no more likely to find the defendant not guilty when his wife provoked the incident than those jurors having more non-traditional attitudes toward the role of women in society.

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## CHAPTER I

### INTRODUCTION

Recently, the problem of violence within the family, particularly marital violence, has become a topic of national interest, with the appearance of television programs, newspaper and magazine articles, books, and professional journal articles bespeaking a public awareness which was nonexistent ten years ago. As a result, more and more women who are the victims of marital violence are realizing that this abuse does not necessarily have to be tolerated and are now bringing assault charges against their spouses. Thus, the prosecution of cases involving "wife-battering" is becoming a much more frequent occurrence (Martin, 1976).

However, despite rising public interest in the plight of the battered woman, researchers are finding that the majority of people still hold a number of myths about wife-battering to be true, and that many individuals condone the use of physical force within a marital relationship (Gelles, 1972; Stark & McEvoy, 1970). When one considers, then, that it is with just such people that the ultimate decision of guilt rests for court cases involving marital violence, this poses some important questions. For instance, how will the belief that female battering victims "ask for it", i.e., the myth of provocation, ( Martin, 1976) affect jurors' perceptions of a defendant's guilt? Likewise, how will the tendency of many people to view drunkenness as a justification for the assaulter's loss of control in a battering situation (Gelles, 1972) influence jurors' decisions? And more generally, what



impact will the tendency to devalue women who are victims of violence (Lerner & Simmons, 1966; Symonds, 1975) have on jurors' perceptions of conjugal assault cases?

The majority of the research dealing directly with perceptions of marital violence has been conducted using interview and case history procedures (Gayford, 1975; Gelles, 1972; Stark & McEvoy, 1970). However, numerous studies have appeared in the social psychological literature which can be considered to be related to attitudes concerning marital violence. Many of these studies have utilized a basic paradigm originally designed by Buss (1963) which involves having subjects either shock victims or view victims being shocked. This analogue work has contributed a great deal to what is known about situational determinants of aggressive behavior, including the sex of the aggressor, as well as the sex and characteristics of the victim (for review, see Frodi, Macaulay & Thome, 1977). Similarly, another area of social psychological research, that of attribution, has produced a variety of studies which have examined attitudes toward victims of a multitude of different crimes, accidents, and circumstances (e.g., Jones & Aronson, 1973; Lerner & Miller, 1978; Lerner & Simmons, 1966). Finally, mock jury research has investigated the effects of a variety of situational variables on jurors' perceptions of a defendant's guilt in cases involving the perpetration of violence on a victim (for review, see Gerbasi, Zuckerman, & Reis, 1977).

However, none of these social psychological studies concerning attitudes toward aggression and attitudes toward victims appears to have dealt specifically with the assessment of attitudes toward aggression or violence within a marital relationship. Likewise, mock jury

research has not investigated the effects of situational variables on perceived guilt of a defendant when his victim is specifically related to him by marriage. Clearly, the findings of Gelles and others suggest that the added element of the existence of a marital relationship between an aggressor and his victim could significantly alter perceptions and attitudes toward the aggressive behavior.

The basic purpose of the current investigation, then, was threefold. First, it attempted to investigate the general effect a hypothetical wife-battering case would have on simulated jurors' perceptions of a defendant's guilt. Second, it also attempted to assess the impact of manipulating two situational variables in the case, namely victim provocation and intoxication of the assaulter, on jurors' verdicts. Finally, the relationship between perception of guilt and general views of the role of women in society, as assessed by a short version of the Attitudes toward Women Scale (AWS) (Spence, Helmreich & Stapp, 1973), was examined.

The following literature review is organized into two parts. First, research which has dealt directly with attitudes and perceptions of marital violence via case history and interview methods will be discussed. Cultural beliefs and stereotypes concerning wife-battering will be presented at this time. Next, investigations of a primarily social psychological nature, which appear to be related to the general area of attitudes toward violence and victims will be examined. Included will be those studies which have been concerned with aggressive behavior in a laboratory setting, victim devaluation or derogation, and simulated jurors' decisions in cases involving violence and a victim.

## CHAPTER II

### REVIEW OF THE LITERATURE

#### Cultural Perceptions of Marital Violence

Because of the increase in professional and public attention being directed towards the phenomenon of marital violence, it would almost appear that wife-battering is a new social problem, the frequency of which has mushroomed in recent years. However, statistical evidence indicates that wife-battering is neither new nor is it drastically increasing (Martin, 1976). A more plausible explanation of this apparent sudden rise in the phenomenon is that, prior to the 1970's, marital violence, like child abuse, appears to have been a taboo subject which was virtually ignored by both the public and social scientists alike (Gelles, 1972; Straus, 1976).

Gelles (1972) traces this "selective inattention" to a number of factors. One of these seems to be the societal definition of the family as nonviolent. The American family is ideally thought by many to be that entity typified by television's situation-comedies: a warm, supportive, and peaceful refuge from the harshness of the world outside. In fact, states Gelles, this happy picture of family life in America is somewhat of a myth, as he concluded that in many case "a marriage license also functions as a hitting license" (p. 153). However, the mistaken belief that husband-wife violence is a relatively rare type of behavior has led sociologists and psychologists to ignore

the actual violence occurring frequently in "normal" families. Thus, as Steinmetz and Straus (1974) have suggested, the "semisacred" nature of the family in society seems, in part, to account for the paucity of research in the area of family violence. This, however, has been changing in recent years.

Likewise, viewing marital violence as a rare form of individual psychopathology has allowed the public to perceive wife-battering as something which only a very few "sick" individuals do. Numerous authors (e.g., Gelles, 1976; Gil, 1970; Walker, Note 1) have postulated that the myth of the wife-beater as "sick" has persisted in the face of evidence to the contrary because it allows people to think of wife-battering as something only a "psychopath" does; they then do not have to wonder if they themselves are abusers. By definition they cannot be, because they are not "sick".

Similarly, the popular assumption that marital violence is more likely to occur in ghetto and lower-class families (Martin, 1976) also reflects the unwillingness of most individuals to face the universality of the problem, again, despite evidence to the contrary. Bard (1971), for example, has found that the number of cases involving wife abuse reported in New York's West Harlem, a community of working-class Blacks and Chicanos, was approximately the same as that reported during the same period in Norwalk, Connecticut, a white, upper-middle-class community with the same size population.

However, there are some societal expectations with respect to violence in the family which appear to conflict with this ideal that violence does not occur in "normal" families. On the one hand, the

family is characterized as gentle, peaceful and harmonious, while on the other hand, there are some societal norms which legitimize, and even encourage, the use of physical force within the family--as in the disciplining and training of children. The old maxim "spare the rod and spoil the child", suggests Gelles (1976), is indicative of cultural norms concerning force and physical violence toward children. In the case of husband-wife violence, Stark and McEvoy (1970), in their analysis of data provided by the National Commission on the Causes and Prevention of Violence, found that nearly one-fourth of all Americans polled admitted to approving of hitting one's spouse on certain, appropriate occasions. Parnas (1967), in his work as a police officer intervening in domestic disputes, discovered that there were some occasions when wives felt that it was acceptable for a husband to beat his wife. In short, some violence in marital and family interactions is considered by some to be normal, routine, and even necessary. According to Gelles (1972), from the point of view of the offender, normal violence is "normal" because it is used to achieve some positive goal. Likewise, the victim also believes that the physical force used was necessary and acceptable, because he or she either benefitted from it or deserved it.

It should be clear at this point that although in the past society has, to a certain extent, denied the existence of marital and family violence in a fairly large proportion of the population, there are still cultural norms which appear to legitimize violent behavior in the family, if not normalize it. Several assumptions and stereotypes concerning wife-battering appear to have been instrumental in this

legitimization. One of these involves the rather basic assumption that, in certain situations, it may be beneficial for one individual to hit or slap another. Another stereotype which appears to have played a part in justifying spouse abuse is the picture of a nagging, shrewish wife who "asks for it" by verbally abusing her long-suffering husband until he assaults her. Finally, the tendency on the part of many people to view intoxication as a justification for loss of control, has also played a part in excusing the behavior of an individual who harms his wife while in an intoxicated state (e.g., "He was drunk-- he didn't know what he was doing"). A more detailed discussion of each of these points of view follows.

As has been discussed previously, the family is one of the very few groups to which society gives a clear right (and sometimes the obligation) to use physical force and restraint, as, for example, in the physical punishment of children (Gelles, 1976). Similarly, several authors have encountered the belief that it may be necessary for a husband to use violent means, under certain circumstances, with his wife.

Gelles (1972), in his interviews with over 80 families, discovered that the belief that husband-wife violence is acceptable if it achieves some goal is not uncommon. In such circumstances, the husband is typically the aggressor and the wife the victim, although Gelles has encountered cases involving wifely aggression toward the husband. In some cases, wives believe that they are struck because they deserve it. Gelles quotes one wife as saying, "I have a habit of not keeping my mouth shut. I keep at him and at him, so he finally turns around and

belts me. It's usually my fault, I ask for it" (p. 59). Gelles has also encountered the rather surprising viewpoint that the act of hitting often relieves tension and thus prevents the buildup of further pressure which might result in a more serious assault. This seems to clarify somewhat why the wives whom Parnas (1967) interviewed felt that an occasional beating was not necessarily negative.

Another variety of conjugal violence which is often justified on the basis that it is beneficial, is that of the husband using violence to bring his wife "to her senses" (Gelles, 1972, p. 61). Circumstances frequently cited as being appropriate for this type of violence include an hysterical spouse or an extremely angry one. Adrian and Mitchell (1978), in their interviews with battered women, were informed by one woman that she felt that it was entirely appropriate for her husband to slap her "if she were ever to get out of hand" (p. 19), meaning whenever she was uncontrollable or deserved it. This belief that in certain situations, it is beneficial to hit or slap another individual may be encountered as well in other than husband-wife relationships, but it would seem that the application of such an assumption might particularly lend itself to legitimizing the occurrence of marital violence under certain circumstances.

The persistent stereotype of the battered wife as a nagging, shrewish individual who provokes her attacker, has also contributed to the legitimization of wife abuse. Gelles (1972) comments that this image has been fostered, in part by stand-up comedians and television comedies--for example, Ralph Cramden on the old "Honeymooners" show threatens "one of these days...pow, right in the kisser" (p. 158).

Likewise, certain works of literature, for example Shakespeare's "Taming of the Shrew", also seem to have contributed to this image. Until recently, mental health professionals have also done their share in perpetuating the stereotype of the wife who "asks for it". Snell, Rosenwald, & Robey (1964), in their article concerning personality characteristics of the wife of the wifebeater, variously describe such women as castrating, controlling, masochistic, frigid, and unfeminine. Similarly, Goode (1974) argues that marital violence is typically the product of a "war of words so sharp, with the feeling of betrayal and loss so great, that redress must be physical and destructive" (p. 38). He lays the blame for such a "war" on the woman, as he feels that she is the one who typically is the "most competent in verbal attack" (p. 38). It is understandable, then, that the picture of a man who has been pushed to the limits of his endurance by a taunting wife comes so easily to mind when one hears of wife-battering.

This is not to say, as Gelles (1972) points out, that there is not some grain of truth in this image. Wives who have been assaulted by their spouses often believe that they provoked the attack by nagging or being verbally abusive. Many battered wives state that if they could have kept silent, the violence never would have occurred. However, Gelles concludes that it is a fallacy to think that the wife is totally to blame. He reports frequently encountering women whose apparent nagging had a reason behind it. One woman was hit in the face by her husband when she asked him to help her shovel snow; another said that she had been beaten severely after asking her spouse for grocery money. Walker (Note 1) has also concluded that it is not



uncommon for battering incidents to have "no ground in reason" (p. 6), having counseled women who were awakened from a deep sleep to be assaulted by their spouses. Whatever the circumstances, the major point to be made here is that, legally, nagging or verbal provocation is not sufficient justification for hitting or beating another person.

However, the myth of victim-precipitated marital violence hangs on, with attitudes toward abused women bearing a striking resemblance to attitudes toward rape victims (Pogrebin, 1974). It is not uncommon, states Sands (1976), to find those who believe that the battered woman finds a certain masochistic pleasure in being beaten, just as some believe the rape victim enjoys violent sex. Not surprisingly, these beliefs are often internalized by the victim, such that battered women will frequently accept total responsibility for the violence (Adrian & Mitchell, 1978). Underlying this acceptance, states Gelles (1972), is the assumption by many that anyone can be justifiably provoked verbally to physical violence, and that verbal abuse is sufficient justification for hitting another individual. Implicit, it would also seem, in this acceptance, is the assumption that one is not as responsible for violent actions which have been provoked by intolerable verbal abuse.

Finally, the frequent involvement of alcohol in marital violence has been cited by numerous authors as a means of "disavowing the deviance" of wife-battering (e.g., Bard & Zacker, 1971; Snell, Rosenwald, & Robey, 1964). Gelles (1972) found a high association between violence and alcohol, as did Wolfgang (1957). One important aspect of Gelles' findings was that alcohol-related violence was almost exclusively

male violence. In only one family out of the 80 interviewed, did a wife become violent towards her husband while drinking. In most cases, Gelles found that the wives in these families placed the blame for their husbands' violence on alcohol; i.e., they believed alcohol had caused their husbands to act violently and excused somewhat their behavior. Bard and Zacker (1974) have also noted that there is a persistent tendency on the part of most people to infer a causal relationship between alcohol and violence.

Lang and his colleagues have postulated that the drinking-aggression relationship is mediated by certain expectancies concerning the effects of alcohol consumption and by a tendency of many people to attribute anti-social acts to their intoxicated state (Lang, Goeckner, Adesso & Marlatt, 1975). Along these same lines, Sobell and Sobell (1973) have pointed out that one of the rewards of heavy drinking is that it provides a socially acceptable excuse for engaging in otherwise unacceptable behaviors, including violence, with a minimum of social disapproval.

Gelles (1972) feels that drunkenness serves two important functions in marital or family violence. First, drinking can act as a means of neutralizing or "disavowing the deviance" (p. 114) of hitting a family member. Thus, the assaulter will often explain that he was intoxicated at the time the incident occurred and was not totally responsible for his behavior. The family and others will then agree that alcohol caused the individual to lose control of his behavior. Therefore, whatever has happened is not really the assaulter's fault. Second, because of the common assumption that alcohol may cause inappropriate behavior, the drinker can utilize the period when he is drunk

as a "time out" (p. 116) from the norms of everyday life. According to Gelles, the individual, once sober, can then deny knowledge of the violent behavior ("I don't remember, I was drunk"), apologize ("I didn't know what I was doing"), or excuse the behavior ("I never would have done it if I had been sober"), and stand a good chance of having his denial, apology, or excuses accepted by both his wife and others.

Thus, attests Martin (1976), by pleading intoxication, the assaulter, his victim, and others can admit that violence has occurred, but also maintain that alcohol was responsible for that violence. Apparently, in our society, notes Martin, violent actions become more understandable and excusable when they happen to be performed by someone who is intoxicated. There is even some rather controversial legal support for this view, in the form of the "diminished capacity doctrine". This doctrine reduces the degree of homicide to second degree murder or voluntary manslaughter when the offender is proved to have been intoxicated (Kiser, 1944). However, according to Adrian and Mitchell (1978), in the case of aggravated or misdemeanor assault, being voluntarily intoxicated or drugged is not a sufficient legal defense. In short, it can be seen that the tendency of many to view drunkenness as a justification for loss of control in a battering situation also plays an important part in normalizing somewhat the phenomenon of wife abuse.

In summary, it can be seen that some common stereotypes or assumptions concerning wife-battering, particularly the myth of provocation and the view of intoxication as a justification for loss of control, have been instrumental in legitimizing this type of violence. Clearly, as was noted at the outset, the existence of these cultural beliefs

raises some important questions concerning the effects these beliefs or stereotypes may have on jurors' perceptions of wife-battering cases.

#### Aggressive Behavior and Attitudes toward Victims: Experimental Evidence

The following portion of this literature review will survey those experimental investigations which have appeared primarily in the social psychological literature and seem to be related to the perception of marital violence. Examination of these studies will be organized into three parts. First, research which has dealt with aggressive behavior, via analogue techniques, will be discussed. Next, literature concerning victim derogation and the attribution of responsibility for various crimes, incidents and circumstances will be covered. Last, simulated jury research which has examined jurors' perceptions of guilt in cases involving violence and victims will be reviewed. Also, since a simulated jury will be utilized in the present investigation, the methodology of simulated jury studies will be critiqued.

#### Attitudes toward Aggression

Although this portion of the literature has been entitled "Attitudes toward Aggression", it should be noted that the majority of the studies to be examined here actually utilized paradigms which investigated the willingness of subjects to be overtly aggressive (physically or verbally) in a variety of situations. However, for the purposes of this review, these studies on aggression have been included, as it is hoped they may shed some light on general attitudes

toward aggression, especially when females are the victims of the aggressive behavior.

As was mentioned earlier, many of the aggression studies have utilized a paradigm originally designed by Buss (1963). In the Buss procedure, the experiment is presented to the subjects as being an investigation of the effects of punishment (i.e., shock) on verbal learning. The experimenter's confederate, who is posing as a subject, is then chosen to be the "learner", while the real subject acts as the "teacher", shocking the learner each time he or she fails to perform the learning task correctly. Intensity of the shock delivered is defined as the measure of a subject's aggressiveness toward the victim. A few other studies have used procedures other than the Buss paradigm. Most notable are those investigations which have utilized nonhurtful foam bats (Young, Beier, Beier, & Barton, 1975), horn-honking (Deaux, 1971; Unger, Raymond, & Levine, 1974), and the Milgram (1974) paradigm (Niedorf, 1970) in the examination of aggressive behavior. Such analogues of aggressive behavior are not of course directly transferable to behavior in non-laboratory situations. However, it seems reasonable to assume that the findings of such analogue studies can, as stated above, give some useful clues to attitudes toward aggressive behavior and the victims thereof.

Frodi, et al. (1977), in their review of the experimental literature on adult female and male aggression, found that the majority of studies demonstrated that both men and women behave less aggressively toward women than toward men (Buss, 1966; Taylor & Epstein, 1967; Taylor & Smith, 1974). Additionally, Buss and his colleagues

discovered that aggression toward female victims aroused more guilt and opposition to using shock in both males and females (Brock & Buss, 1962, 1964; Buss, 1963; Buss & Brock, 1963).

On the other hand, Frdoi, et al. (1977) reviewed four studies which showed no differences in aggression toward male and female victims (Larson, Coleman, Forbes & Johnson, 1972; Levitt & Viney, 1973; Silverman, 1971; Lando, Johnson-Payne, Gilbert, & Deutsch, Note 2), and three studies which showed that an opposite-sex victim is more likely to be aggressed against than a same-sex victim (Deaux, 1971; Jaffe, Malamuth, Feingold, & Feshbach, 1974; Titley & Viney, 1969).

In one study using a variation of the Buss paradigm, Taylor and Epstein (1967) demonstrated that initial differences in aggression toward male and female victims seemed to disappear when male and female subjects were confronted with an increasingly aggressive opposite-sex partner (confederate), who continued to increase the intensity of the shock which the subject received for losing in a competitive task. Thus, in return, both male and female subjects increased the intensity of shock which male and female partners received, when given the chance to retaliate. The authors suggest that these results may reflect a reaction to "violation of social expectation" (p. 484), whereby male and female subjects felt they were excused from the usual sex role requirements, when the opposite-sex partner appeared to be aggressing toward them without justification.

In a similar vein, Young, et al. (1975) also found that male subjects who felt that their social expectations of women had been

violated excused themselves from the usual requirement that they not be aggressive toward women. Men, whom it had been assessed believed that women should take a traditional role in society, increased their aggressive behavior toward a female partner when she behaved aggressively toward them. On the other hand, men who were not opposed to women taking non-traditional roles showed relatively high aggression both before and after their female partner behaved aggressively toward them.

Kaleta and Buss (Note 3), in a study which seems to support the findings of Young, et al. (1975), also found that a failure to meet societal norms caused female victims to be shocked more severely. In this study, the female victim varied her behavior and her appearance such that she appeared more or less feminine in a number of conditions. Results indicated that women who were feminine in both behavior and appearance received the lowest shock intensities, while women who were unfeminine in behavior and appearance received the highest shock. The authors concluded that although our society has norms which say not to harm women, if the woman chooses to forsake the feminine role (e.g., by acting assertively or aggressively), her aggressor may also forsake his normative beliefs.

It might be concluded from the above data, then, that highly aggressive behavior directed at women is not entirely approved of by either men or women. However, the results of the Taylor and Epstein (1967) study, as well as the findings of Young, et al. (1975) and Kaleta and Buss (Note 3), suggest that this may only be so as long as the female victim fulfills certain sex role expectations.

It might be hypothesized, then, that in the case of a wife-battering situation, observers might be less disapproving of male aggression toward a female, if she has violated sex role expectations by acting aggressively, either verbally or physically, prior to the incident.

In terms of empathy for the victims of aggressive behavior, Buss (1966) found that female subjects expressed more concern for a victim (male or female) who claimed to have been hurt by the shock procedure than the male subjects did. Mehrabian and Epstein (1972) presented similar results which indicated that women are generally more empathic than men towards shock victims.

In a study by Titley and Viney (1969), in which subjects were informed that their shock victims were either disabled or nondisabled it was discovered that women set much lower shock intensities for disabled victims than for nondisabled victims, while men did not. The authors felt that these results offered support for Buss' findings that women tend to be more empathic toward victims of aggression. These results were later replicated by Levitt and Viney (1973).

Similarly, two other studies (Milgram, 1974; Niedorf, 1970), both using the Milgram paradigm, found that women were more upset than men by the experimental situation, in ways that reflected empathy for the victim. The Milgram, paradigm, it should be noted, is very much like the procedure employed by Buss (1963), although it requires subjects to set ever increasing shock intensities for the victim and involved having the experimenter remain with the subjects to urge them to do so.



In summary, the bulk of the aggression literature concerned with empathy seems to support Buss' (1966) early work, which suggested that sex differences do exist in terms of empathy for a victim of induced shock. These findings are not inconsistent with those of several other studies which have indicated that women experience significantly more guilt and anxiety in a shock situation than men did, especially when the victim is female (Brock & Buss, 1962, 1964; Buss & Brock, 1963).

The aggression literature as a whole, then, though not directly related to how people may perceive marital violence, appears to give some clues to how observers perceive aggression toward a female. It would appear that, in general, both men and women do not entirely approve of highly aggressive behavior toward a female victim, and that women appear to express more concern and empathy for a victim than men do. However, as Taylor and Epstein's (1967) work suggests, these generalities may only stand as long as the victim does not violate sex role expectations, and does not appear to "deserve" the aggressive behavior. Thus, it might be expected that perceptions of marital violence might be influenced by what appears to be a violation of social expectations, on the part of the woman, whereby the observer may feel that retaliation is justifiable if the woman has acted aggressively, either physically or verbally. This supposition, based on the experimental evidence, is not, as we have seen, vastly different from what actually appears to be the case, according to Gelles (1972) and others.

### Victim Derogation and Attribution of Responsibility

Symonds (1975) and others (e.g., Pogrebin, 1974; Sands, 1976) have commented at length on the tendency of most people to be reluctant or resistant to believing in the innocence of the victims of violent crimes--particularly victims of rape and marital violence. This reluctance, attests Symonds, can be seen in community responses, police behavior, the family's reactions to the victims, and, interestingly, by the victims themselves.

Experimental investigations in the area of social psychology have resulted in the development by Lerner and his associates (Lerner, 1970; Lerner & Simmons, 1966) of a construct which explains to a certain extent this phenomenon of victim devaluation, and the concomitant attribution of responsibility for the crime to the victim. Known as "belief in a just world", this construct refers to the tendency of most people to believe that they live in a just world where people get what they deserve and deserve what they get. Belief in a just world was used by Lerner to explain the fact that, under certain circumstances, innocent victims are blamed for their misfortunes. His reasoning was that derogating the victim helps the observer maintain his belief that the world is just, because he can see the victim as deserving his or her fate. Deservedness, according to Lerner, consists of two components: personal worth and behavior. Thus, observers of a violent crime may either conclude that the victim is an undesirable person with undesirable traits and "deserved it anyhow" (e.g., Lincoln & Levinger, 1972) or that the victim, though desirable, was

partially responsible for what has happened because of his or her behavior (e.g., Chaikin & Darley, 1973).

At any rate, although they will not be reviewed here, numerous studies have appeared in the literature which seem to confirm Lerner's "just world" explanation of the tendency to derogate victims (see Lerner & Miller, 1978 for review). Also, several investigators (e.g., Jones & Aronson, 1973) have demonstrated that this tendency does have a tremendous impact on the outcomes of simulated jury trials. This research will be discussed in more detail in the following section of this review.

Such research definitely sheds some light on why many individuals continue to hold as true a number of beliefs about victims of marital violence, as well as victims of rape. As Symonds (1975) has postulated, these beliefs seem to fill the basic need of all individuals to find a rational explanation for violence: "Exposure to senseless, irrational behavior upsets everyone and makes them feel confused, vulnerable, and helpless. It is tremendously relieving to believe that the victim has somehow done something that plausibly contributed to the crime of violence..." (p. 92). Apparently, then, believing that the victim of marital violence "deserved it" or that her aggressor was not responsible for what he did, due to intoxication, may fulfill the need to understand why such violence occurred in the first place. Unfortunately, this need to believe in a "just world" is often fulfilled at the expense of the victim of wife-battering. As one battered woman interviewed by Adrian and Mitchell (1978) stated, "I don't know how to get across this shame that is connected with being a battered wife.

The people, the public, always assume you deserve it..." (p. 10).

In conclusion, Lerner's construct of "belief in a just world" seems to explain somewhat the tendency of many individuals to devalue victims in general and attribute responsibility to them for what has happened. Also, as has already been mentioned, it would seem likely that such a construct would have a great deal of impact on jurors' perceptions of conjugal assault cases.

#### Simulated Jury Research

In recent years social psychologists have begun to turn their attention to examining experimental analogues to the judicial system in order to discover whether jurors use extra-evidential devices in arriving at decisions regarding responsibility and degree of punishment for illegal actions. Gerbasi, Zuckerman, and Reis (1977), in their review of simulated jury research, found that a number of extralegal factors appear to contribute to simulated jurors' verdicts, including the characteristics of the jurors, and the characteristics of the victim and defendant.

In cases which have been concerned with crimes involving a victim, it has been noted by Gerbasi, et al. (1977) that Lerner's (1970) personality construct of "belief in a just world" often results in the attribution of fault for a crime to the victim by simulated jurors. For example, Jones and Aronson (1973) found that less severe prison sentences were recommended by simulated jurors for the defendant in a rape case, and greater attribution of fault for the crime was made to the character of the victim, when the victim was a divorcee (less

respectable) than when the victim was married or a virgin (most respectable). Apparently, suggested the authors, the jurors were more comfortable devaluing a less respectable victim and were thus able to attribute more responsibility for the crime to her.

In a similar study, Zuckerman and Gerbasi (Note 4) presented to subjects an account of a rape, along with the Just World Scale (JWS) (Rubin & Peplau, 1973). It was found that subjects with high scores on the JWS (high belief in a just world) assigned more responsibility to the rape victim than did low JWS subjects. These results appear to support Lerner's (1970) reasoning that people may hold a victim of violence responsible for his or her fate in order to preserve their belief in a just world.

Other investigators have discovered that devaluation of the victim is not the only way jurors maintain their belief in a just world. They may also attempt to restore justice by demanding harsher punishment for the defendant. Rubin and Peplau (1975) reported that subjects with a high belief in a just world assigned stiffer sentences than did subjects with a low belief in a just world. Gerbasi and Zuckerman (Note 5) have also found that high JWS subjects give more severe sentences.

Several studies have also attempted to gather information about the relationship between characteristics of defendants and victims and trial outcomes. Briefly, it has been found that mock jurors tend to give more severe sentences to defendants who harm high status victims (Landy & Aronson, 1969), that defendants with positive characteristics are treated more leniently than those who are negatively

described (Dowdle, Gillen, & Miller, 1974), and that mock jurors tend to give less severe sentences to defendants whom they perceive to be similar to themselves (Gerbasi & Zuckerman, Note 5).

In summary, it can be seen that certain extra-evidential factors do indeed play a role in simulated jurors' verdicts. Those studies concerning factors which appear to be relevant to this literature review seem to indicate that jurors' decisions may be influenced by the individual juror's personality traits (e.g., "belief in a just world"), as well as by the characteristics of the defendant and victim. Although mock jury research has been concerned with crimes which involved rape (Jones & Aronson, 1973), murder (Landy & Aronson, 1969), and assault (Austin, Walster & Utne, 1976), in all cases, the victim of these crimes was unknown to the defendant prior to the violent incident. Clearly, the literature discussed earlier concerning beliefs about marital violence indicates that many people feel that the existence of a marital relationship between two people changes somewhat the norms governing the use of violence. Additionally, stereotypes of what battered wives are like, as well as assumptions about responsibility and self-control, appear to color to a certain extent observers' perceptions of the rightness or wrongness of violence within a marriage. Given these sociological findings, coupled with the experimental evidence already discussed, it seems likely that mock jurors' decisions in a wife-battering case would be based on more than just the evidence provided and the law as it stands concerning assault.

### Simulated Jury Research Methodology

As has been noted already, interest in research concerning jurisprudence has been increasing in the last few years. Recently, Roberts and his colleagues have pointed out that as the results of this type of research are used more frequently by the judicial system, it becomes more and more important that these results have as much validity as possible (Roberts, Hoffman, & Johnson, 1978). Although some investigators have attempted to insure this validity by studying actual juries in the process of decision-making (e.g., Reed, 1965), Gerbasi, et al. (1977) have noted that a number of problems existent in the majority of jury studies, most of which are analogues, make it difficult to generalize laboratory findings to non-laboratory situations.

Foremost among these problems is the fact that the majority of trial outcome studies have been based on individual mock juror's decisions; that is, in almost none of the studies reviewed by Gerbasi, et al. did the simulated jurors participate in a deliberation process. There is a great deal of evidence from the field of social psychology supporting the notion that individuals in groups behave differently from individuals alone (e.g., Asch, 1953; Kogan & Wallach, 1964), and, recently a number of investigators have been examining the effects of group deliberation on trial outcomes. In a study by Izzett and Leginski (1974) where the status of the defendant was varied, it was found that after group deliberation, individual jurors recommended more lenient prison terms for the low status defendant. Although the deliberation procedure produced a significant change in the direction of leniency

for the low status defendant, it did not produce any changes in the sentencing of the high status defendant. More recently, Roberts, et al. (1978) also found that jurors were more lenient after deliberating as a group. Finally, Myers and Kaplan (1976), in an investigation where simulated jurors read high- and low-guilt cases, found that group deliberation served to polarize the judgements of guilt and the severity of the prison sentence recommended by the jurors. Clearly, the findings of these three studies point to the methodological importance of group discussion in the execution of mock jury studies, especially when some degree of generalizability to the actual courtroom is the desired goal.

Gerbasi, et al. have also noted that generalization from laboratory findings is often made difficult by the fact that mock jurors know that their decisions will have no consequences. Recent studies by Kerr, Nerenz, & Herrick (Note 6) and by Diamond and Zeisel (1974) have attempted to explore this problem. Kerr, et al. compared the decisions of six-person simulated juries and six-person actual juries in a case concerning the discipline of a college student. No significant differences were found between the predeliberation verdicts of the mock and real jurors. Likewise, the group verdicts of the mock and real jurors did not differ. Unfortunately, the authors point out that the "real" jurors in this particular investigation knew that their verdict alone would not decide the student's fate, as school authorities would also be involved in passing judgement on the student. This, said the authors, could have allowed ample opportunity for diffusion of responsibility and the general feeling, on the part of the "real"



jurors, that their vote was of no real consequence.

Along similar lines, Diamond and Zeisel (1974) compared the verdicts of three different types of juries for 10 different actual court trials. The first type of jury was the actual one, chosen by the attorneys, while the second type of jury was made up of potential jurors who had been rejected by one or the other attorney, and the third type was composed of individuals chosen at random. Only half of the real juries returned guilty verdicts for the 10 trials, whereas all 10 of the randomly chosen juries and 8 of the 10 juries composed of rejected jurors voted guilty. Diamond and Zeisel suggest that because the two juries were made up of random and rejected jurors who knew that their verdicts would not determine the outcomes of the trials they apparently assumed different standards of reasonable doubt as far as the evidence in the trial was concerned.

Gerbasi, et al. conclude from the data of the above two studies that although a number of questions remain concerning the generalizability of jury research, some degree of generalizability seems "cautiously appropriate" (p. 343). They further suggest that the "mundane realism" of jury research be increased in the future, although no suggestions were made as to how this might be accomplished. Certainly, the entire area of the problem of generalizability of simulated jury research is a fruitful one for further research, as Gerbasi, et al. have noted.

Other specific aspects of jury research methodology, including the size of juries, the types of decision rules used, and evidence presentation, have also been reviewed by Gerbasi, et al. Briefly,

their review of the pertinent literature suggests that, in terms of number of jurors, when the incriminating evidence is weak, the verdicts of 6- and 12-person juries tend to be equal. However, when the evidence is strong, it is to the defendant's advantage to have a 12-person jury, as this maximizes the probability that more than one of its members will think the defendant is not guilty and hold out for a hung jury (see Valenti & Downing, 1975).

In terms of the types of decision rules (i.e., the type of agreement necessary for a verdict to be valid), only one study has examined the effects of manipulating the assigned decision rule (unanimous or majority rule). Kerr, Atkin, Stasser, Meek, Holt, and Davis (1975), in a study where subjects were given evidence in a rape case that was designed to maximize juror disagreement, found that majority rule juries took less time and fewer polls to reach their verdict. Juries deliberating under a decision rule of unanimity, on the other hand, were much more likely to be hung. It can be seen that since such factors as the number of jurors and the type of decision rule have such a significant effect on mock trial outcomes, the need for standardization in future simulated jury research is great.

Finally, the matter of presentation of evidence in mock jury studies, including the order of presentation of evidence (prosecution and defense) and the number of defense and prosecution arguments, has also been examined by a number of investigators. Stone (1969), in a study investigating the importance of order of case arguments, found that order of presentation did not affect the final verdicts. However, more recently, Walker, Thibaut, and Andreoli (1972) found that the

party that presented second had a greater effect on the jury than the party that presented first, regardless of whether it was the defense or the prosecution. The authors concluded that the present system, in which the prosecution presents first and the defense second, is most fair to the defense, as it gives the defendant the greatest opportunity to be found not guilty. Results of another study done by Thibaut, Walker, and Lind (1972) also indicate that evidence presented second has a stronger effect on mock jurors' verdicts.

The relationship between the number of defense and prosecution arguments and mock jurors' perception of guilt has been examined by Calder, Insko, and Yandell (1974), in a series of studies. Their findings supported the hypothesis that perception of guilt would be related to the number of defense and prosecution arguments put forth. That is, it was found that jurors who had read one defense argument and four prosecution arguments were more likely to find the defendant guilty than were jurors who read four defense arguments and one prosecution argument. Summarizing these findings, Gerbasi, et al. state that since the order and number of defense and prosecution arguments seem to be important factors in trial outcome, these factors should be considered more frequently in the interpretation of simulated jury findings, as well as in the design of future studies. Once again, greater standardization appears to be necessary with regard to such factors.

In conclusion, it appears that although analogues of jury processes have yielded a great deal of important information, methodological problems have made it difficult to compare various studies and generalize laboratory findings to actual juries. Gerbasi, et al.

and other workers in the field of jury research have made a number of suggestions concerning the importance of group deliberation and standardization in such research. Hopefully these suggestions will come to be applied in future research in this area.

### CHAPTER III

#### HYPOTHESES

The present investigation was designed to explore the effect that evidence from a hypothetical conjugal assault case would have on mock jurors' perceptions of a defendant's guilt. It also attempted to assess the impact of two situational variables, victim provocation and intoxication of the assaulter, on jurors' verdicts and recommendations for sentencing. Finally, the current study was also designed to examine the relationship between jurors' perceptions of guilt and general views of the role of women in society.

##### Hypothesis One

Given the findings of both sociological and social psychological research concerning attitudes toward female victims, particularly victims of wife abuse, it was hypothesized that when the evidence presented to simulated jurors indicated the victim may have provoked her assaulter prior to the incident (Conditions I and III), jurors would have a greater tendency to perceive the defendant as not guilty than when there was no indication of victim provocation (Conditions II and IV). Both pre-deliberation or individual verdicts and post-deliberation or group verdicts were examined, since there was evidence that the two might differ.

##### Hypothesis Two

As with the first hypothesis, on the basis of the literature review

it was hypothesized that when the evidence indicated victim provocation, individual mock jurors, if they found the defendant guilty on the pre-deliberation questionnaires, would tend to recommend more lenient prison terms for the defendant than when there was no evidence of victim provocation. Recommended prison sentences were measured in months and years of actual imprisonment.

#### Hypothesis Three

Again, since previous research provides some support for the notion that people tend to assume that alcoholic intoxication excuses a loss in self-control, it was hypothesized that jurors would be more likely to perceive a defendant as not guilty when there was evidence that he was intoxicated prior to the assault (Conditions I and II), than when there was evidence that he was not (Conditions III and IV). Again, both pre-deliberation and post-deliberation verdicts were examined.

#### Hypothesis Four

Likewise, it was hypothesized that individual jurors, if they found the defendant guilty on the pre-deliberation questionnaires, would tend to recommend more lenient prison sentences when there was evidence that the defendant was intoxicated than when there was evidence that he was not.

#### Hypothesis Five

Since previous research suggests that individuals with traditional views of the role of women in society are more likely to react negatively to women who do not fulfill sex role expectations (e.g., by acting aggressively), it was hypothesized that individual jurors with traditional views of women, when presented with evidence that the

female victim of the battering may have acted aggressively prior to the battering incident, would be less likely to find the defendant guilty on the pre-deliberation questionnaires than jurors with non-traditional views. No other hypotheses were made concerning the relationship of individual verdicts to views of the role of women, due to the exploratory nature of the present investigation.

## CHAPTER IV

### METHOD

#### Subjects

174 subjects (85 males, 89 females) were selected from University of Montana introductory and developmental psychology classes. All had previously completed a short, 25-item version of the Attitudes toward Women Scale (AWS, see Appendix A) (Spence, Helmreich, & Stapp, 1973). These students were contacted by phone and asked to participate in a study concerning judicial processes. Prospective subjects were further informed that they would receive experimental credit for their participation in the study. Each individual who agreed to participate in the study was then randomly assigned to one of four experimental conditions, with the constraint that at least 36 subjects (18 males, 18 females) were assigned to each experimental condition.

#### Experimental Design

The design of the present investigation is depicted in Table 1. The experimental conditions represent a 2X2 factorial design, with victim information (Provocation vs. No Provocation), and defendant information (Intoxication vs. No Intoxication), serving as between-subject variables. More specifically, all subjects received a court case summary involving charges stemming from an alleged incident in which a woman was beaten by her husband. However, half of the sub-



Experimental Conditions	N	Provocation	No Provocation
Intoxication	86	I n=45 (21 males, 24 females)	II n=41 (21 males, 20 females)
No Intoxication	88	III n=43 (20 males, 23 females)	IV n=45 (23 males, 22 females)
Total	174	88	86

TABLE 1  
EXPERIMENTAL DESIGN

jects received information in the summary which indicated that the victim had been verbally abusive to her husband and slapped him prior to the beating (Provocation), while the other subjects received information which indicated that the victim did nothing to provoke the battering incident (No Provocation). Likewise, case summaries either indicated that the husband (defendant) was intoxicated at the time the battering incident took place, or that he was sober. The four experimental conditions, then, included: 1) Provocation-Intoxication, 2) No Provocation-Intoxication, 3) Provocation-No Intoxication, and 4) No Provocation-No Intoxication. As noted earlier, a balanced number of males and females were assigned to each of the four conditions.

#### Procedure

Subjects were randomly assigned to one of the four experimental conditions at the time of initial contact. Each of the four experimental conditions was then administered once on each of three consecutive days at the Clinical Psychology Center at the University of Montana (12 sessions total), with 12 subjects minimum (six males, six females) assigned to each of the sessions. Subjects who had been assigned to different conditions were not mixed; rather, all subjects in each session received the same case summary information concerning the incident.

It should be noted here that, in order to ensure that at least a minimum of 12 subjects arrived for each session, 16 subjects were asked to participate in each scheduled session. All subjects who appeared for the session were allowed to participate in the first half of the procedure (i.e., they were asked to read the case summary and

render an individual verdict). However, at the point in the procedure where subjects were assigned to six-person juries in order to render a group verdict, those subjects who exceeded the 12 needed to form two six-person juries were randomly selected out, debriefed, and dismissed.

The order of administration for the four experimental conditions was rotated each day, such that on the first day, Condition I was scheduled to run first, Condition II second, Condition III third, and Condition IV fourth. On the second day, Condition II was scheduled first, Condition III second, Condition IV third, and Condition I fourth, while on the third day, Condition III was scheduled first, Condition IV second, Condition I third, and Condition II fourth. It was intended that this rotation of the four conditions would control for confounding effects which could be produced by scheduling each condition at the same time each day (Campbell & Stanley, 1963).

Upon arrival at the session, subjects were assigned a subject number and given an experimental booklet (see Appendix B) containing 1) general instructions, 2) a description of the alleged battering incident, 3) a trial summary (prosecution's case and defense's case), 4) instructions concerning the laws relevant to the case, and 5) a brief questionnaire on which the subjects would record their individual verdicts. The description of the battering incident, as well as the trial summary, were derived from information provided by both the Missoula Conty Attorney's Office and Gelles' interviews with battered wives (1972).

General introductory instructions consisted of the following:

Please read the following description of an incident and the court proceedings which resulted. You are asked

to render a verdict on the basis of the evidence presented. This description includes the main points from an actual trial. The information which you provide will be used to help formulate policy for dealing with similar cases, so it is very important that you imagine yourself to be in a courtroom situation and assume that you are an actual member of the jury. PLEASE DO NOT DISCUSS THE PARTICULARS OF THIS CASE OR YOUR VERDICT WITH THE OTHER PEOPLE PRESENT UNTIL YOU ARE INSTRUCTED TO DO SO.

The general charges concerning the incident in question were then presented in a summary brief as follows, with those sentences in brackets being either left out or included depending on the experimental condition:

On the evening of July 18, 1978, Mrs. Carole Jones (age 31) states that she was assaulted by her husband, William Jones (age 32), in the kitchen of their home. According to Mrs. Jones, her husband arrived home at approximately 10:30 PM. (Intoxication Condition: Mrs. Jones states he appeared to be very drunk at the time.) (No Intoxication Condition: Mrs. Jones states he did not appear to have been drinking before coming home.) When Mrs. Jones asked her husband where he had been that evening, she says he became very angry, shouted at her, and began kicking the kitchen furniture. (Provocation Condition: At that point, Mrs. Jones says she became very angry and began shouting back at him and calling him names, including "lousy bum" and "stupid bastard". Then, when Mr. Jones began kicking the furniture, Mrs. Jones states that she slapped him on the arm once and told him to "cut it out".) She asserts that then Mr. Jones struck her on the left side of the head. When it began to "look like trouble", Mrs. Jones says she moved towards the phone with the intent to summon help. Mrs. Jones states her husband then attempted to take the phone away from her at that point and struck her several more times on the head and face with the phone receiver, until she broke away from him and ran to the neighbors' home next door.

A trial summary of first the prosecution's case and then the defense's case was presented next. Each case contained an equal number of arguments, as recommended by Calder, et al. (1974). The prosecution's case consisted of the following:

- 1) The prosecution first called Mr. Tom Steck, neighbor of Mr. and Mrs. Jones to testify. According to Mr. Steck, on the evening of July 18, 1978, he and his wife heard a knock at the front door and answered it. They found Mrs. Jones without her glasses and with blood on her face and clothes. Mrs. Steck then called 911, the emergency number. Looking out the window, Mr. Steck saw Mr. Jones get into his car and leave. Mr. Steck said he then went with Mrs. Jones to her house and waited in the driveway for the police.
- 2) The prosecution then submitted the report of the investigating officer, James Hailey. According to Hailey, when he arrived at the scene, Mr. Jones had left and Mrs. Jones was in the house bleeding moderately from the nose. He stated it looked as though her nose could be broken. There was also a large bruise on her left temple, and her left eye was very swollen. There was blood on Mrs. Jones' shirt, and on the floor of the kitchen. When asked, Mrs. Jones said that she wished to sign a complaint, and Officer Hailey took a written statement from her about the incident.
- 3) Hospital records submitted by the prosecution showed that upon admittance to the emergency room, Mrs. Jones stated that she had been beaten up by her husband. Her nose was bleeding and her left eye was swollen shut. Subsequent examination revealed a broken nose and hemorrhaging left eye.
- 4) In its closing argument, the prosecution stated that it had proven its case by presenting the charges made by Mrs. Jones, the testimony of her neighbor and the investigating officer, and by submitting hospital records which detailed the extent of Mrs. Jones' injuries. In addition, the prosecution noted that it was very unlikely their client concocted the beating story so quickly and in so much detail under the circumstances described.

The defense's case was summarized as follows, with those sentences in brackets being either left out or included depending on the experimental condition:

- 1) The defense first called Mr. Jones to testify in his own behalf. Mr. Jones stated that he had not been angry about being asked by his wife, Carole, where he had been on the evening of July 18, 1978, and denied shouting at her and "kicking furniture around". Instead, he stated that his wife was extremely upset with him for coming home at such

a late hour (Provocation Condition: and began being both verbally and physically abusive of him). He asserted that she then grabbed the telephone receive and came at him, as if she was going to strike him with it.

- 2) According to Mr. Jones, he then struggled with his wife in an effort to get the phone out of her hands, so as to protect himself. He admitted that it was possible that his wife may have received blows to the head at that time, but he denied that he ever intentionally struck his wife or intended to harm her in any way. (Intoxication Condition: He admitted he had been drinking heavily before coming home.) (No Intoxication Condition: He stated that he had not been drinking before coming home.) He further stated that he had no idea she was hurt badly at the time and so left the scene in order to allow his wife to "cool off".
- 3) Next, the defense called Dr. H.R. Brown, a local physician, to the stand. According to Dr. Brown, there was nothing in the hospital records submitted by the prosecution which would indicate that Mrs. Jones' injuries were intentionally caused. He clarified this statement by saying that the hospital records did not prove, one way or the other, whether or not the injuries were accidentally or intentionally caused.
- 4) In its closing argument, the defense attested that their client acted in self-defense during the incident in question, and in no way intended to harm his wife. Any blows received by Mrs. Jones, the defense further stated, were entirely accidental. In addition, the defense felt that the hospital records submitted by the prosecution did not rule out the possibility that the pattern of injuries received by Mrs. Jones could have been accidentally caused.

Next, instructions concerning the laws relevant to the case were given. These included the following:

1. You are instructed that a person commits the offense of assault if he purposely or knowingly causes bodily injury to another.
2. You are instructed that the term "bodily injury" means physical pain, illness, or any impairment of physical condition and includes mental illness or impairment.
3. You are instructed that a person is justified in the use of force or threat to use force against another when and to the extent that he reasonably believes that such conduct is nec-

essary to defend himself or another against such other's imminent use of unlawful force. However, he is justified in the use of force likely to cause death or serious bodily harm only if he reasonably believes that such force is necessary to prevent imminent death or serious bodily harm to himself or another, or to prevent the commission of a forcible felony.

Additionally, jurors were given the following final instructions:

After weighing these points, you must decide whether the evidence has convinced you of the defendant's guilt beyond a reasonable doubt. If any such doubt causes a feeling of hesitation and dissatisfaction in your mind which will not permit you to rest on a verdict of guilty by the evidence, then, by law, you are to find the defendant not guilty.

The law forbids you to be governed by sentiment, sympathy, passion, prejudice or public opinion. Both the State and the defendant have the right to expect that you will faithfully and fairly consider and weigh the evidence and apply the law of the case, and that you will reach a just verdict, without considering what the consequences or sentence will be.

Finally, a brief questionnaire was given to the subjects concerning the individual subject's verdict, recommended sentencing (if the subject found the defendant guilty), and confidence in the verdict rendered:

- 1) Now we would like you to indicate your verdict. Please feel free to review all instructions and information.

As a juror, I find the defendant: (circle one)

- a) guilty
- b) not guilty

- 2) If you voted "guilty" above, what would your recommended sentence (actual time in jail) be?
  - a) Maximum sentence of 5 years
  - b) Maximum sentence of 2-3 years
  - c) Maximum sentence of 1 year

- d) Maximum sentence of 8 months
- e) Maximum sentence of 6 months
- f) Maximum sentence of 2 months
- g) Maximum sentence of 30 days or less

3) How confident are you of your verdict? (circle one)

- a) Extremely confident of verdict
- b) Strongly confident of verdict
- c) Moderately confident
- d) Slightly confident
- e) Unsure of verdict

After distribution of the booklets, the experimental assistant stated that the purpose of the study was "to study the manner in which people judge various crimes". It should be noted that the experimental assistant was always blind to the conditions which were being administered. The experimental assistant then instructed the subjects to read the booklets carefully, while she read the instructions aloud to them. After reading the instructions, the assistant then announced that they would have 15 minutes in which to read the case material and render a verdict on the last page of the booklet. Subjects were asked to turn in their questionnaires when they had completed them. Each questionnaire was marked with the appropriate subject number, and subjects were told that the questionnaires were only to be associated with their subject number and not with their names.

If there were any questions concerning the task, the assistant attempted to answer them by paraphrasing the written instructions. Subjects were asked to defer questions concerning the purpose of the



study and its hypotheses until after the experiment was completed. The experimental assistant then remained with the subjects during the 15 minute period. Those subjects who finished the task before the 15 minutes were up were given a magazine to read until all the subjects had finished.

As was mentioned earlier, following the collection of all the individual verdict questionnaires, those subjects who exceeded the 12 needed to form two six-person juries were randomly selected out, debriefed in a separate room, and dismissed. The 12 remaining subjects were then randomly divided into two six-person jury groups, with the constraint that there be three males and three females on each jury, and placed in separate rooms.

The experimental assistant then read aloud the following instructions:

You are now being asked, as a group, to render an unanimous, I repeat, unanimous, verdict on the basis of the evidence presented. As was mentioned earlier, the information you provide will be used to help formulate policy for dealing with similar cases, so it is very important that you imagine yourselves to be in a courtroom situation and assume that you are all actual members of a jury.

Subjects were then advised to retain their case summary information and encouraged to consult this information to facilitate decision-making. The jury groups were instructed by the experimental assistant to elect a foreman in whatever fashion they wished. Subjects were further instructed to delegate the following responsibilities to the selected foreman: 1) maintaining order, 2) keeping track of the time, and 3) reporting the verdict to the experimental assistant

when it was reached. After delivering these instructions, the assistant announced that they would have 30 minutes to deliberate after choosing a foreman, and that she would remain in the room to monitor their progress. The assistant then retired to one end of the room to unobtrusively take notes, and did not interfere further in the deliberation process.

If, at the end of 30 minutes, the jury had not reached an unanimous verdict, the experimental assistant instructed them to reconvene and continue deliberating the case for an additional 15 minutes. If, at the end of 15 minutes, an unanimous decision still had not been reached, the experimental assistant would record this.

After the verdict was reported and recorded, the experimental assistant distributed to the subjects a final questionnaire, concerning each subject's perceptions of the victim, the defendant, and the case in general (see Appendix C). The pertinent questions, which follow, were imbedded in four other general questions concerning the evidence presented:

- 1) Please rate the defendant, Mr. Jones, in terms of how much responsibility you feel he bears for the incident in question: (circle one)
  - a) Completely responsible
  - b) Very responsible
  - c) Moderately responsible
  - d) Slightly responsible
  - e) Not at all responsible
- 2) Now, please rate Mrs. Jones in terms of how much responsibility you feel she bears for the incident in question:

- a) Completely responsible
  - b) Very responsible
  - c) Moderately responsible
  - d) Slightly responsible
  - e) Not at all responsible
- 3) How confident would you be of your final verdict, if you were told that the couple involved in this case, Mr. and Mrs. Jones, reconciled and began living together again after the trial? (circle one)
- a) Extremely confident of verdict
  - b) Strongly confident of verdict
  - c) Moderately confident
  - d) Slightly confident
  - e) Unsure of verdict
- 4) If your final verdict was "guilty", what would your recommended sentence (actual time in jail) be?
- a) Maximum sentence of 5 years
  - b) Maximum sentence of 2-3 years
  - c) Maximum sentence of 1 year
  - d) Maximum sentence of 8 months
  - e) Maximum sentence of 6 months
  - f) Maximum sentence of 2 months
  - g) Maximum sentence of 30 days or less

Once again, each questionnaire was marked with the appropriate subject number, and it was emphasized to the subjects that the questionnaires were only to be associated with their subject numbers and not with their names. Upon completion, the questionnaires were collected; subjects were then debriefed and told they would be credited with their participation in the study.

The Attitudes toward Women Scale (AWS)

As was mentioned, a short 25-item version of the Spence-Helmreich (1972) Attitudes toward Women Scale was administered prior to the present investigation. Administration of the AWS took place in a setting unconnected with the jury portion of the study, and at no time was the AWS said to be related to the jury investigation.

The AWS is composed of 25 statements describing attitudes toward the role of women in society (e.g., "Swearing and obscenity are more repulsive in the speech of a woman than of a man"). Subjects are asked to express their opinion about each of these statements by indicating whether they 1) agree strongly, 2) agree mildly, 3) disagree mildly, or 4) disagree strongly with each statement. Responses are scored on a four point scale, with the most traditional alternative being scored a 0, and the least traditional alternative being scored a 3. Thus, the minimum score which an individual can receive is 0, while the maximum score possible is 75.

## CHAPTER V

## RESULTS

Individual Verdicts

Subjects were first asked to render an individual verdict after perusing the case summary information provided. The percentages of guilty verdicts given individually by both male and female subjects in the four experimental conditions are shown in Table 2.

It was found that the inclusion of information in the case summary indicating victim provocation produced significantly more guilty verdicts among the total number of subjects than when such information was not given ( $\chi^2(1) = 4.96, p < .05$ ). However, when subjects were divided by sex and the verdicts were reanalyzed, it was found that males were not significantly affected by the addition of information concerning victim provocation ( $\chi^2(1) = .46, p > .05$ ). For female subjects, on the other hand, information suggesting victim provocation yielded significant differences ( $\chi^2(1) = 4.12, p < .05$ ), although not in the direction predicted. That is, when the female victim appeared to have elicited the battering incident by being both verbally and physically abusive, female subjects were significantly more likely to find the defendant guilty than when the victim did nothing to provoke her attacker. Verdicts of male subjects, however, were unaffected by the addition of such information concerning the incident.

	Provocation	No Provocation
Intoxication	I	II
Males	71% (15)	71% (15)
Females	83% (20)	80% (16)
Total	77% (35)	76% (31)
No Intoxication	III	IV
Males	70% (14)	52% (12)
Females	87% (20)	50% (11)
Total	79% (34)	51% (23)

TABLE 2

PERCENTAGES AND NUMBER OF GUILTY VERDICTS

AS A FUNCTION OF VICTIM AND DEFENDANT INFORMATION

Manipulation of information concerning the intoxication or non-intoxication of the defendant at the time of the battering incident produced non-significant results for the total number of subjects, males and females combined, ( $\chi^2(1) = 2.45, p > .05$ ), for males alone ( $\chi^2(1) = .7, p > .05$ ), and for females alone ( $\chi^2(1) = 1.36, p > .05$ ). Subjects, then, who were given information indicating the defendant was intoxicated during the battering incident were no more likely to find the defendant innocent than were those subjects given "No Intoxication" information.

Although a statistical analysis of the interaction between the two variables, victim provocation and defendant intoxication, was not possible using the test of significance given the present sample sizes, the interaction between these variables has been portrayed graphically in Figure 1. It can be seen that Conditions I, II, and III did not differ greatly in terms of the percentages of guilty verdicts given by both male and female subjects. Condition IV subjects (No Provocation-No Intoxication), on the other hand, were much more likely to find the defendant not guilty than those subjects in Conditions I, II, and III. Only 51% of Condition IV subjects voted guilty as compared with 77%, 76%, and 79%, in Conditions I, II, and III respectively.

#### Group Verdicts

After rendering an individual verdict, subjects were divided into six-person jury groups and asked to render an unanimous group verdict. Since nearly half of the 24 group juries were unable to reach

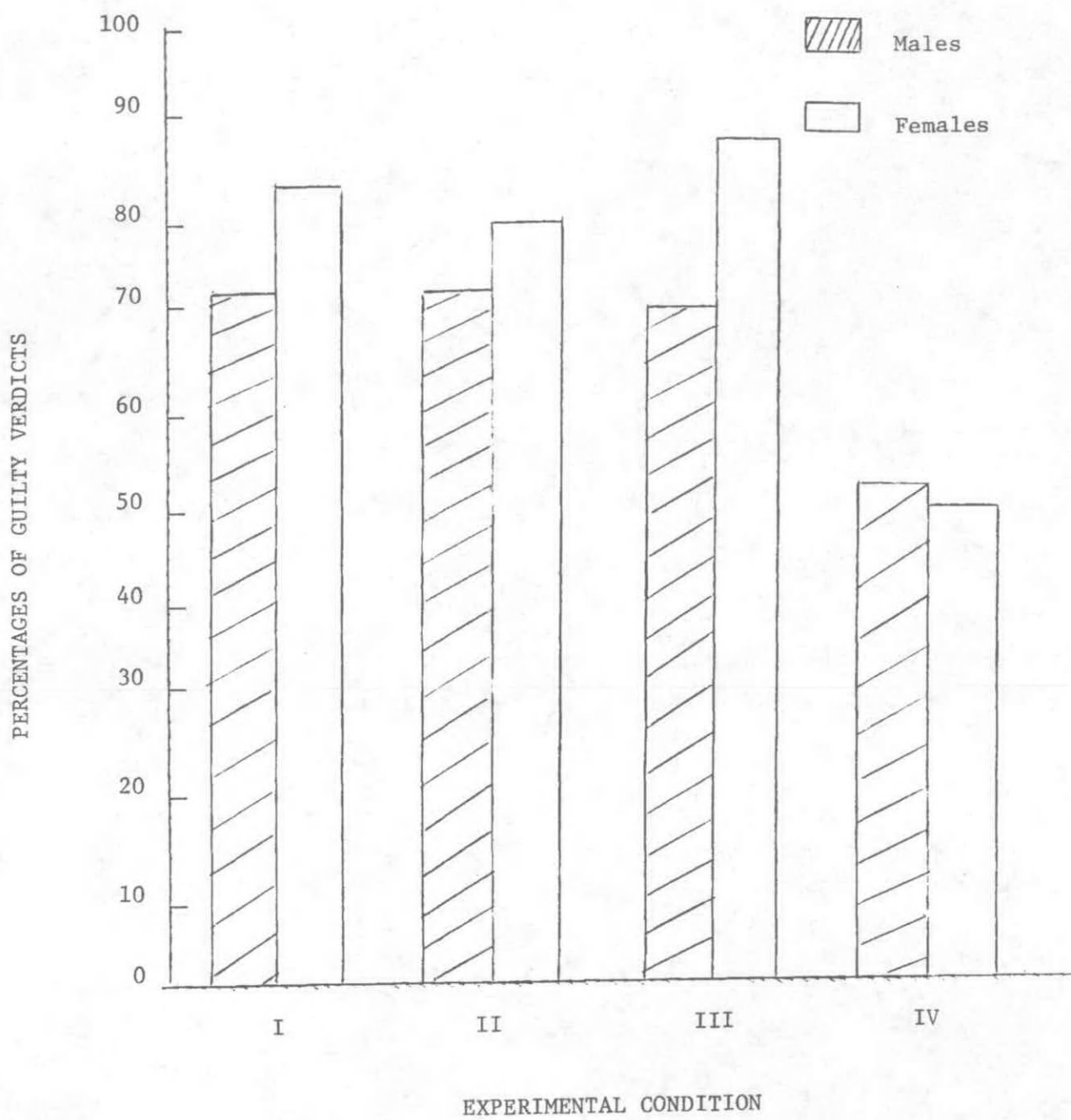


Figure 1. Percentages of guilty verdicts as a function of victim provocation and defendant intoxication.



an unanimous decision, statistical analysis of those groups which did render an unanimous verdict (14 total) was not possible. However, the information which was obtained from this portion of the investigation is displayed in Figure 2. It can be seen that, as with individual verdicts, Conditions I, II, and III do not differ greatly in terms of the number of guilty verdicts given by the group juries. Condition IV juries, however, were somewhat less likely to find the defendant guilty than juries in Conditions I, II, and III. None of the juries in Condition IV found the defendant guilty, while three juries in Condition I, three juries in Condition II, and four juries in Condition III found the defendant guilty.

### Sentencing

Subjects who judged the defendant guilty were also asked for recommendations regarding sentencing. A total of 123 guilty verdicts were returned in the four conditions. It was found that manipulation of information concerning victim provocation and defendant intoxication did not significantly influence the severity of sentencing for male and female subjects combined (Provocation:  $\chi^2(6) = 12.22, p > .05$ ; Intoxication:  $\chi^2(6) = 3.83, p > .05$ ). It was noted, however, that the difference between Provocation subjects' verdicts and No Provocation subjects' verdicts approached significance ( $\chi^2(6) = 12.22, p < .10$ ), in the direction originally predicted. Thus, while defendant intoxication had no effect on subjects' sentencing recommendations, subjects who received information suggesting victim provocation tended to recommend more lenient sentences for the defendant than subjects who did not receive such information.

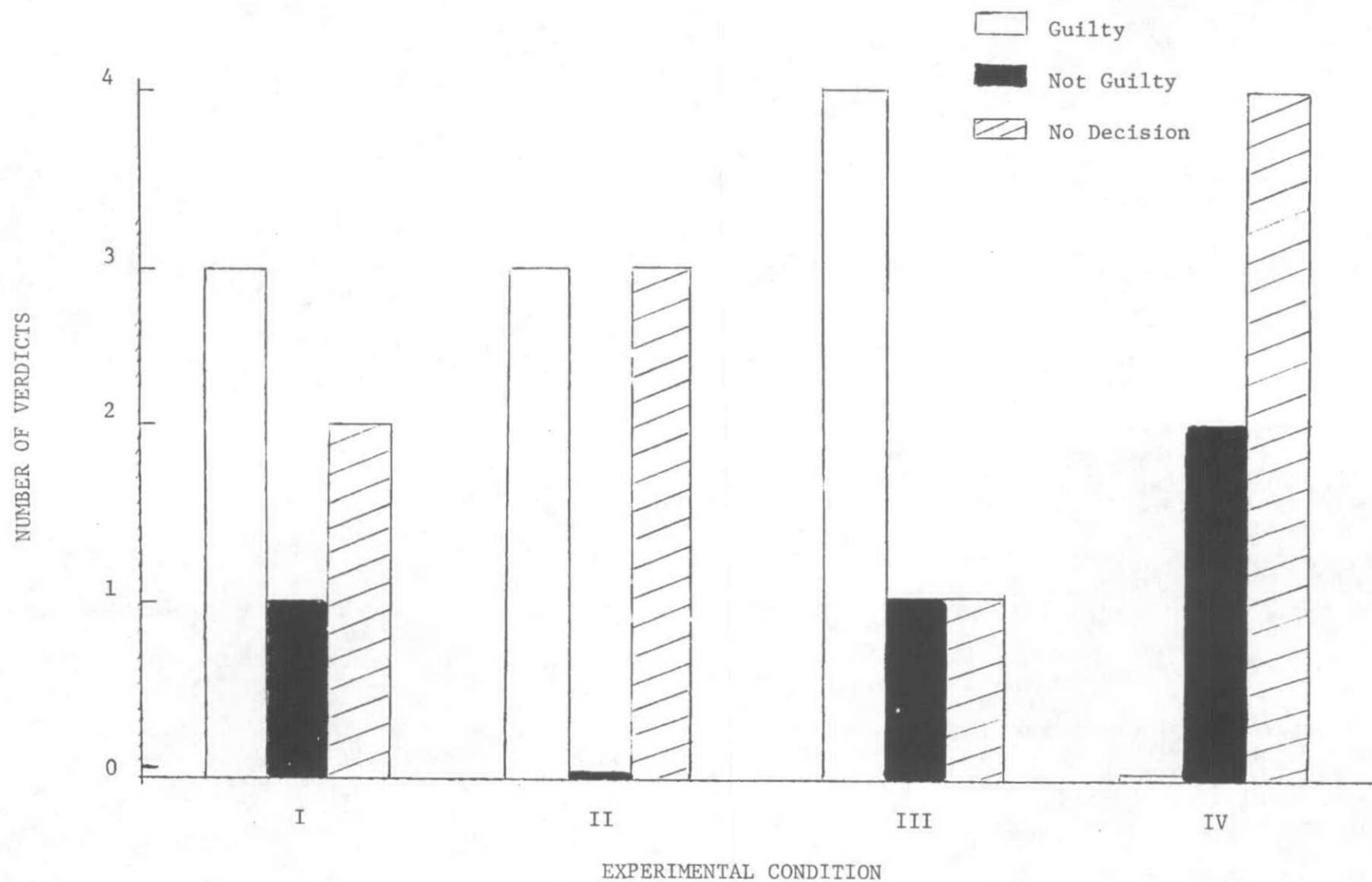


Figure 2. Group verdicts rendered by subjects in each experimental condition.

### Perceptions of Responsibility

Subjects who participated in the group deliberation portion of this investigation were also questioned as to their perceptions of the amount of responsibility borne by both the defendant and victim for the incident in question. It was found that the defendant who was provoked was not seen to be any less responsible for the battering incident than the defendant who was not provoked ( $\chi^2(4) = 3.64, p > .05$ ). Likewise, the provocative victim was not perceived as being any more responsible for the incident than the non-provocative victim ( $\chi^2(4) = 4.06, p > .05$ ). In general, subjects perceived the defendant as being significantly more responsible than his victim for the incident, whether he had been provoked ( $\chi^2(4) = 20.02, p < .005$ ) or not ( $\chi^2(4) = 32.22, p < .005$ ).

In terms of alcohol intoxication, the defendant who was intoxicated at the time the battering took place was not seen to be any less responsible for the incident than the defendant who was not intoxicated at the time of the battering ( $\chi^2(4) = 2.76, p > .05$ ). In general, as above, subjects perceived the defendant as being significantly more responsible than the victim for the incident, whether he was intoxicated ( $\chi^2(4) = 31.94, p < .005$ ) or not ( $\chi^2(4) = 15.89, p < .005$ ).

### Attitudes Toward Women

The median score for the 301 subjects who completed the Attitudes toward Women Scale (AWS) was found to fall between 53 and 54. Based on their score on the AWS, then, all subjects were designated as being either "Traditional" in their attitudes toward the role of women in society (scores  $\leq 53$ ) or "Non-traditional" (scores  $\geq 54$ ).

For those conditions where subjects received information indicating victim provocation (Conditions I and III), the effect of the individual subject's attitudes toward women on his or her individual verdict was tested. It was found that differences in AWS scores had no significant effect on the total number of subjects' verdicts ( $\chi^2(1) = .05$ ,  $p > .05$ ), nor on male subjects alone ( $\chi^2(1) = .00009$ ,  $p > .05$ ), or female subjects alone ( $\chi^2(1) = .03$ ,  $p > .05$ ). Thus, subjects having traditional attitudes toward the role of women in society were no more likely to find the defendant innocent when his wife provoked the incident than those subjects having more non-traditional attitudes toward women.

## CHAPTER VI

## DISCUSSION

One of the primary purposes of the present investigation was to determine whether information indicating victim provocation in a case of marital violence would influence the decisions of simulated jurors. It was found that the manipulation of such information did in fact affect jurors' verdicts, but not in the manner predicted. Jurors who received victim provocation information were much more likely to find the defendant guilty than those jurors who did not receive such information. This was contrary to what was originally postulated, as it had been expected that such victim information would produce a greater tendency to perceive the defendant as not guilty. However, it is interesting to note that when subjects' verdicts were divided according to the sex of the subject, it became apparent that, actually, female jurors were most significantly affected by the addition of the victim provocation information, while male jurors were relatively uninfluenced by it. Although one may only speculate as to why this was the case, it is quite possible that when female jurors received the information concerning the female victim's provocative response to her husband (calling him names, slapping him), this may have caused them to identify with the victim. If this was the case, it may be that female jurors imagined that the victim's verbal abuse of her husband was justified, i.e., that he was, in fact, the "lousy bum" she had labeled

him. This identification process, then, may have increased the tendency for female jurors to react negatively to the defendant and thus caused them to find him guilty of the crime of assault more often.

It was also predicted that information concerning victim provocation would produce more lenient sentences when jurors found the defendant guilty. Although the evidence supporting this prediction was not exceedingly strong, the tendency for jurors receiving victim provocation information to give more lenient sentences to the defendant was there nonetheless. Although it might seem to, this finding does not actually conflict with the identification process already suggested. It is quite possible that even though Provoked subjects were likely to identify with the victim and thus find the defendant guilty, they might also have felt, at the same time, that the defendant was "less guilty" if he had been provoked. Thus, recommendations for sentencing were less severe in the "Provoked" conditions than in the "Non-provoked" conditions.

Another concern of the current study was the effect information concerning the intoxication or non-intoxication of the defendant would have on jurors' perceptions of guilt. It had been hypothesized that jurors would tend to view a defendant who was drinking at the time of the battering incident as less responsible for his actions, and thus, find him guilty less often. It had also been predicted that jurors who found the defendant guilty would recommend more lenient sentences, for the same reasons as above, if the defendant was intoxicated. However, the findings of this study did not support these predictions. Subjects who were told the defendant was intoxicated were

no more likely to find the defendant innocent than were subjects who were told the defendant was not intoxicated. Severity of sentencing was also unaffected by such information. However, since the information concerning the defendant's intoxication consisted of only two sentences in the context of a lengthy, 5-page case summary, it is possible that the impact of this information was reduced somewhat in light of the total amount of information which subjects received. Clearly, more research is necessary in this area in order to assess the impact of this variable on jurors' decisions. Future investigations might give the information concerning the intoxication of the defendant more prominence in the total summary of the case information as a means of more realistically doing this. Additionally, the inclusion of a test of individual subjects' recall for the important details of the case, such as alcohol involvement, might provide additional feedback concerning the impact of such information on jurors.

An additional concern of this study was the effect of victim provocation and defendant intoxication on jurors' perceptions responsibility. In line with the hypotheses made concerning perceptions of guilt, it was expected that subjects who received provocation information would tend to perceive the relative responsibility of the victim and defendant differently. However, this was not found to be the case. Essentially, subjects saw the defendant as being primarily responsible for the battering incident, whether provocation occurred or not. Similarly, it was also expected that jurors who were given information indicating defendant intoxication would perceive the defendant's responsibility for the crime somewhat

differently. However, as before, subjects saw the defendant as being more responsible for the battering incident than the victim, regardless of his state of intoxication.

Another aim of the present investigation was to examine the relationship between jurors' perception of guilt and general views of the role of women in society. In this context, it had been postulated that individual jurors with traditional views of women, when presented with evidence that the female victim may have acted aggressively prior to the battering incident, would be less likely to find the defendant guilty than jurors with non-traditional views. Again, this prediction was not borne out by the findings of this study. However, since this prediction was based on research which suggested that aggressive behavior directed toward women was disapproved of less by traditionalistic individuals when feminine sex role expectations were violated, it is possible that in this particular case, the female victim was not seen as being overly aggressive or as violating social expectations. In other words, perhaps the victim portrayed in the "Provoked" conditions was not perceived by the jurors as being all that provocative or as intolerably abusive. If such was the case, traditional jurors' social expectations would not have been violated sufficiently to produce the reactions seen by other researchers, such as Young, et al. (1975) and Kaleta and Buss (Note 3). Additionally, this possibility could also be seen as providing some support for the speculation that female jurors may have identified with the victim. It is unlikely that they would have, had she been perceived as being too "shrewish" or extremely unfeminine. Pilot-work



geared toward assessing what is actually considered "provocative" female behavior by most people should certainly be completed before research in a similar vein is attempted.

It is interesting to note that in Condition IV, that is, the condition in which case summary information indicated defendant intoxication and made no mention of victim provocation, jurors, both individually and in groups, were more likely to find the defendant not guilty than those jurors in Conditions I, II, and III. These findings were rather unexpected in terms of the original hypotheses, and one can only speculate as to why jurors should react differently in this condition. Apparently, jurors were interpreting this information in a special fashion which led to fewer guilty verdicts, although anecdotal information obtained from the jurors contains no clues as to how this was occurring. Certainly, isolation of the factors important here requires further investigation.

In view of both the sociological and experimental findings concerning attitudes toward female victims of violence, the general results of this study, i.e., the overall percentages of guilty verdicts for the four conditions (see Table 2), provide substantial food for thought. The social psychological literature, particularly in the area of victim devaluation, suggests that most people have a tendency to blame the innocent victim of violence for his or her misfortune. Likewise, the sociological literature also suggests that many individuals tend to feel that battered women may "deserve" what they get. In this particular case, then, one might have expected that jurors' reactions to the defendant would be more positive, resulting in a fairly large percentage of not guilty verdicts. However, interestingly enough, in

all four conditions of the study, at least half of the jurors found the defendant guilty. In three out of the four conditions, the average percentage of guilty verdicts was 77%. Such percentages seem surprisingly high, and suggest a greater sensitivity than was expected to the problem of marital violence and to the problem of attributing responsibility in such cases. However, since it seems likely that the simulated jurors in this particular study did not perceive the victim as being particularly provocative, it would be interesting to assess the effects of portraying the victim as more provocative and abusive. As has been mentioned, exactly what is considered by most people to be "provocative" female behavior needs to be assessed by further pilot-work.

It should also be noted that the anecdotal information provided by the experimental assistants present during the group deliberations sheds some light on the reasoning process which apparently went on in those groups which found the defendant not guilty. Not surprisingly, the fact that there were no witnesses of the battering incident figured prominently in some jurors' decisions to find the defendant not guilty, particularly since the "Instructions To The Jurors" included a passage which stated that the juror must decide whether he was convinced of the defendant's guilty "beyond a reasonable doubt". Many jurors reportedly interpreted the instruction, "beyond a reasonable doubt", as meaning they must have absolutely "no doubt" as to the guilt of the defendant, if they were to find him guilty. The intentionality of the defendant was another factor which was given much consideration by groups which found the defendant not guilty. Whether the defendant was

intoxicated or not, jurors frequently speculated that the defendant probably had not "meant" to hit his wife, and therefore, was not guilty. One juror, for example, even supported this view by stating that even though he had hit his girl-friend on occasion, he had never done so intentionally--it had just "happened". Finally, two groups finding the defendant not guilty apparently did so because information concerning the victim's and defendant's respective height and weight was not available to them. They felt that a sufficiently large woman could conceivably threaten a small man, such that he would be required to strike her in self-defense. Because this information was not included in the case summary, jurors again noted they could not find the defendant guilty "beyond a reasonable doubt". As the "beyond a reasonable doubt" instruction seems to have played an important role in the decision-making process of the jurors of this study, it would seem that further investigation of the impact of this instruction on jury decision-making is necessary. The interpretation of the "reasonable doubt" clause by individual jurors in this study was apparently quite variable, and it would be interesting to examine exactly how jurors tend to interpret this instruction.

The present study does have some important limitations which should be discussed. First, the experiment was a simulation of actual courtroom procedures. Students were used as jurors; they read only a summary of a case, and knew their verdicts had no real consequences for the defendant. Problems in generalizing from laboratory experiments to the actual courtroom situation have been discussed at length by Gerbasi, et al. (1977). Nevertheless, such experiments are at least

a starting point. Second, some problems did arise when the group juries were asked to render an unanimous verdict. Almost half of these group juries were unable to do this in the time allotted; it is difficult to predict whether a lengthier deliberation period would have alleviated this problem. Experimental assistants noted that jurors tended to become emotionally invested in their particular position and often clung tenaciously to their verdict even if it meant a "hung" jury. It seems unlikely, then, that a longer deliberation period would have affected those jurors whose viewpoints had "crystallized" to the point where they were unable to change their verdicts. Although group juries clearly improve the quality of analogue jury research, duplicating actual courtroom procedure in terms of actual deliberation time is somewhat problematic for researchers in this area. Kerr, et al. (1975), encountering a similar problem, suggested that one answer may be to replace the unanimous decision rule with a majority decision rule. Certainly, attempts should be made to continue implementing group deliberation as a part of analogue jury research.

As has been mentioned already, the present investigation's findings suggest a number of possibilities for future research. Clearly, assessment of the impact of a victim who is portrayed as more intolerable and clearly violating sex role expectations might be appropriate. Also, examination of the effect of defendant intoxication might be more realistically carried out by giving such defendant information more prominence within the total case summary information which jurors receive. It seems quite possible that, in this study, the sheer amount

of information which jurors received may have diverted attention from the variables under study. Future investigations might attempt to examine the effects of the same variables, but in the context of less total information.

Finally, several other possibilities for research in areas which are somewhat peripheral to the research questions which were originally posed have already been noted in the course of the discussion. It would be interesting, first of all, to examine more closely exactly how jurors interpret the "reasonable doubt" instruction, within the context of certain types of cases. If the anecdotal information gained from this study is at all accurate, individual jurors vary a great deal in their standards of reasonable doubt. Additionally, it would be interesting to note whether jurors in marital assault cases tend to interpret the "reasonable doubt" clause in a different manner from jurors in non-marital assault cases. Second, as some jurors were evidently disturbed by the fact that there were no witnesses to the alleged assault, the impact of witness testimony in marital assault cases on jurors' perceptions of guilt might be assessed by further investigation. Again, it might be worthwhile to assess whether jurors in conjugal assault cases tend to feel the testimony of witnesses is more important than jurors in assault cases involving two unrelated parties. As it is often the case that there are no witnesses in marital assault cases, the importance of this factor seems to be an area worthy of further inquiry. Last, as several jurors seemed concerned about the relative sizes of the assaulter and his victim, and implicitly, about their relative ability to threaten harm to each other, the effect of such information on jurors' perception of guilt might also be examined in

future studies. Certainly, a great deal of work still needs to be done in order to assess the importance of the variables in question, victim provocation and defendant intoxication, to jury decision-making. Hopefully the findings of the current investigation have clarified, to some extent, the problems which may be encountered in such research, and provided some impetus for future study in the area.

## CHAPTER VII

## SUMMARY

The general intent of the present investigation was to examine the effect a hypothetical wife-battering case would have on mock jurors' perceptions of a defendant's guilt. More specifically, the purpose of the study was to (a) assess the impact of manipulating two situational variables in the case, namely victim provocation and intoxication of the assaulter, on jurors' verdicts and sentencing recommendations, and (b) examine the relationship between perception of guilt and general views of the role of women in society, as assessed by a short version of the Attitudes toward Women Scale (AWS).

174 subjects (85 males, 89 females) who had previously completed the AWS were selected from University of Montana introductory and developmental psychology classes and randomly assigned to one of four experimental conditions. All subjects received a court case summary involving charges stemming from an alleged incident in which a woman was beaten by her husband. However, half of the subjects received information in the summary which indicated that the victim had been verbally and physically abusive to her husband prior to the beating (Provocation), while the other subjects received information which indicated that the victim did nothing to provoke the battering incident (No Provocation). Similarly, case summaries either indicated that the husband (defendant) was intoxicated at the time the battering took place, or that he was sober. The four experimental conditions, then,

included: (1) Provocation-Intoxication, (2) No Provocation-Intoxication, (3) Provocation-No Intoxication, and (4) No Provocation-No Intoxication. After perusing the court case summary, subjects were first asked to render an individual verdict; if they found the defendant guilty they were also asked to make sentencing recommendations. After rendering an individual verdict, subjects were divided into six-person jury groups and asked to deliberate until they were able to reach an unanimous group verdict. Finally, subjects were asked to complete a brief questionnaire concerning their perceptions of the victim, the defendant, and the case in general.

The results of the present study revealed that (a) when the female victim appeared to have elicited the battering incident by being both verbally and physically abusive, female subjects were significantly more likely to find the defendant guilty than when the victim did not provoke her attacker, (b) subjects who were given information indicating the defendant was intoxicated during the battering incident were no more likely to find the defendant innocent than were those subjects given "No Intoxication" information, and (c) subjects with more traditionalistic attitudes toward the role of women in society were no more likely to find the defendant not guilty when his wife provoked the incident than those subjects with more non-traditional attitudes toward women. Additionally, although defendant intoxication information had no effect on subjects' sentencing recommendation, subjects who received information suggesting victim provocation tended to recommend more lenient sentences for the defendant than those subjects who did not receive such information.



Possible interpretations of the current results and implications for future research were discussed. Also, pertinent anecdotal information gained from the study was detailed. Additional comments were directed toward the limitations of the present investigation, and suggestions were made as to how these might be alleviated in future analogue jury studies.

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## APPENDIX A

## Attitudes Toward Women Scale (AWS)

The statements listed below describe attitudes toward the role of women in society that different people have. There are no right or wrong answers, only opinions. You are asked to express your feeling about each statement by indicating whether you (A) agree strongly, (B) agree mildly, (C) disagree mildly, or (D) disagree strongly. Please indicate your opinion by blackening either A, B, C, or D on the answer sheet provided.

1. Swearing and obscenity are more repulsive in the speech of a woman than of a man.
2. Women should take increasing responsibility for leadership in solving the intellectual and social problems of the day.
3. Both husband and wife should be allowed the same grounds for divorce.
4. Telling dirty jokes should be mostly a masculine prerogative.
5. Intoxication among women is worse than intoxication among men.
6. Under modern economic conditions with women being active outside the home, men should share in household tasks such as washing dishes and doing laundry.
7. It is insulting to women to have the "obey" clause remain in the marriage service.
8. There should be a strict merit system in job appointment and promotion without regard to sex.
9. A woman should be as free as a man to propose marriage.
10. Women should worry less about their rights and more about becoming good wives and mothers.
11. Women earning as much as their dates should bear equally the expense when they go out together.



12. Women should assume their rightful place in business and all the professions along with men.
13. A woman should not expect to go to exactly the same places or to have quite the same freedom of action as a man.
14. Sons in a family should be given more encouragement to go to college than daughters.
15. It is ridiculous for a woman to run a locomotive and for a man to darn socks.
16. In general, the father should have greater authority than the mother in the bringing up of children.
17. Women should be encouraged not to become sexually intimate with anyone before marriage, even their fiances.
18. The husband should not be favored by law over the wife in the disposal of family property or income.
19. Women should be concerned with their duties of childbearing and house tending, rather than with desires for professional and business careers.
20. The intellectual leadership of a community should be largely in the hands of men.
21. Economic and social freedom is worth far more to women than acceptance of the ideal of femininity which has been set up by men.
22. On the average, women should be regarded as less capable of contributing to economic production than are men.
23. There are many jobs in which men should be given preference over women in being hired or promoted.
24. Women should be given equal opportunity with men for apprenticeship in the various trades.
25. The modern girl is entitled to the same freedom from regulation and control that is given to the modern boy.

## APPENDIX B

## EXPERIMENTAL BOOKLET

I. General Instructions:

Please read the following description of an incident and the court proceedings which resulted. You are asked to render a verdict on the basis of the evidence presented. This description includes the main points from an actual trial. The information you provide will be used to help formulate policy for dealing with similar cases, so it is very important that you imagine yourself to be in a courtroom situation and assume that you are an actual member of the jury. PLEASE DO NOT DISCUSS THE PARTICULARS OF THIS CASE OR YOUR VERDICT WITH THE OTHER PEOPLE PRESENT UNTIL YOU ARE INSTRUCTED TO DO SO.

## II. The Incident:

On the evening of July 18, 1978, Mrs. Carole Jones (age 31) states that she was assaulted by her husband, William Jones (age 32), in the kitchen of their home. According to Mrs. Jones, her husband arrived home at approximately 10:30 PM. (Intoxication Condition: Mrs. Jones states he appeared to be very drunk at the time.) (No Intoxication Condition: Mrs. Jones states he did not appear to have been drinking before coming home.) When Mrs. Jones asked her husband where he had been that evening, she says he became very angry, shouted at her, and began kicking the kitchen furniture. (Provocation Condition: At that point, Mrs. Jones says she became very angry and began shouting back at him and calling him names, including "lousy bum" and "stupid bastard". Then, when Mr. Jones began kicking the furniture, Mrs. Jones states that she slapped him on the arm once and told him to "cut it out".) She asserts that then Mr. Jones struck her on the left side of the head. When it began to "look like trouble", Mrs. Jones says she moved towards the phone with the intent to summon help. Mrs. Jones states her husband then attempted to take the phone away from her at that point and struck her several more times on the head and face with the phone receiver, until she broke away from him and ran to the neighbors' home next door.

### III. The Prosecution's Case:

- 1) The prosecution first called Mr. Tom Steck, neighbor of Mr. and Mrs. Jones to testify. According to Mr. Steck, on the evening of July 18, 1978, he and his wife heard a knock at the front door and answered it. They found Mrs. Jones without her glasses and with blood on her face and clothes. Mrs. Steck then called 911, the emergency number. Looking out the window, Mr. Steck saw Mr. Jones get into his car and leave. Mr. Steck said he then went with Mrs. Jones to her house and waited in the driveway for the police.
- 2) The prosecution then submitted the report of the investigating officer, James Hailey. According to Hailey, when he arrived at the scene, Mr. Jones had left and Mrs. Jones was in the house bleeding moderately from the nose. He stated it looked as though her nose could be broken. There was also a large bruise on her left temple, and her left eye was very swollen. There was blood on Mrs. Jones' shirt, and on the floor of the kitchen. When asked, Mrs. Jones said that she wished to sign a complaint, and Officer Hailey took a written statement from her about the incident.
- 3) Hospital records submitted by the prosecution showed that upon admittance to the emergency room, Mrs. Jones stated that she had been beaten up by her husband. Her nose was bleeding and her left eye was swollen shut. Subsequent examination revealed a broken nose and hemorrhaging left eye.
- 4) In its closing argument, the prosecution stated that it had proven its case by presenting the charges made by Mrs. Jones, the testimony of her neighbor and the investigating officer, and by submitting hospital records which detailed the extent of Mrs. Jones' injuries. In addition, the prosecution noted that it was very unlikely their client concocted the beating story so quickly and in so much detail under the circumstances described.

#### IV. The Defense's Case:

- 1) The defense first called Mr. Jones to testify in his own behalf. Mr. Jones stated that he had not been angry about being asked by his wife, Carole, where he had been on the evening of July 18, 1978, and denied shouting at her and "kicking furniture around". Instead, he stated that his wife was extremely upset with him for coming home at such a late hour (Provocation Condition: and began being both verbally and physically abusive of him.) He asserted that she then grabbed the telephone receiver and came at him, as if she was going to strike him with it.
- 2) According to Mr. Jones, he then struggled with his wife in an effort to get the phone out of her hands, so as to protect himself. He admitted that it was possible that his wife may have received blows to the head at that time, but he denied that he ever intentionally struck his wife or intended to harm her in any way. (Intoxication Condition: He admitted he had been drinking heavily before coming home.) (No Intoxication Condition: He stated that he had not been drinking before coming home.) He further stated that he had no idea she was hurt badly at the time, and so left the scene in order to allow his wife to "cool off".
- 3) Next, the defense called Dr. H.R. Brown, a local physician, to the stand. According to Dr. Brown, there was nothing in the hospital records submitted by the prosecution which would indicate that Mrs. Jones' injuries were intentionally caused. He clarified this statement by saying that the hospital records did not prove, one way or the other, whether or not the injuries were accidentally or intentionally caused.
- 4) In its closing argument, the defense attested that their client acted in self-defense during the incident in question, and in no way intended to harm his wife. Any blows received by Mrs. Jones, the defense further stated, were entirely accidental. In addition, the defense felt that the hospital records submitted by the prosecution did not rule out the possibility that the pattern of injuries received by Mrs. Jones could have been accidentally caused.

or another, or to prevent the commission of a forcible felony.

After weighing these points, you must decide whether the evidence has convinced you of the defendant's guilt beyond a reasonable doubt. If any such doubt causes a feeling of hesitation and dissatisfaction in your mind which will not permit you to rest on a verdict of guilty by the evidence, then, by law, you are to find the defendant not guilty.

The law forbids you to be governed by sentiment, sympathy, passion, prejudice or public opinion. Both the State and the defendant have the right to expect that you will faithfully and fairly consider and weigh the evidence and apply the law of the case, and that you will reach a just verdict, without considering what the consequences or sentence will be.

GIVEN: \_\_\_\_\_

E. P. Haskell

District Court Judge

VI. Individual Verdict Questionnaire:

- 1) Now we would like you to indicate your verdict. Please feel free to review all instructions and information.

As a juror, I find the defendant: (circle one)

- a) guilty
- b) not guilty

- 2) If you voted "guilty" above, what would your recommended sentence (actual time in jail) be?

- a) Maximum sentence of 5 years
- b) Maximum sentence of 2-3 years
- c) Maximum sentence of 1 year
- d) Maximum sentence of 8 months
- e) Maximum sentence of 6 months
- f) Maximum sentence of 2 months
- g) Maximum sentence of 30 days or less

- 3) How confident are you of your verdict? (circle one)

- a) Extremely confident of verdict
- b) Strongly confident of verdict
- c) Moderately confident
- d) Slightly confident
- e) Unsure of verdict

## APPENDIX C

## FINAL QUESTIONNAIRE

- 1) How important do you feel the testimony of the investigating officer in this case (Officer Hailey) was in helping you to render your final verdict? (circle one)
  - a) extremely important
  - b) very important
  - c) moderately important
  - d) slightly important
  - e) not important at all
- 2) Please rate the defendant, Mr. Jones, in terms of how much responsibility you feel he bears for the incident in question:
  - a) completely responsible
  - b) very responsible
  - c) moderately responsible
  - d) slightly responsible
  - e) not at all responsible
- 3) Now, please rate Mrs. Jones in terms of how much responsibility you feel she bears for the incident in question:
  - a) completely responsible
  - b) very responsible
  - c) moderately responsible
  - d) slightly responsible
  - e) not at all responsible
- 4) How important do you feel the testimony of the physician, Dr. Brown, was in helping you to render your final verdict?



- a) extremely important
  - b) very important
  - c) moderately important
  - d) slightly important
  - e) not important at all
- 5) How confident would you be of your final verdict, if you were told that the couple involved in this case, Mr. and Mrs. Jones, reconciled and began living together again after the trial?
- a) extremely confident of verdict
  - b) very confident of verdict
  - c) moderately confident
  - d) slightly confident
  - e) unsure of verdict
- 6) How important do you feel the testimony of the Jones' neighbor, Mr. Steck, was in helping you to render your final verdict?
- a) extremely important
  - b) very important
  - c) moderately important
  - d) slightly important
  - e) not important at all
- 7) Whose testimony was most important in helping you to render your final verdict? (circle one)
- a) Mrs. Jones'
  - b) Mr. Jones'
  - c) Mr. Steck's
  - d) Officer Hailey's
  - e) Dr. Brown's

8) If your final verdict was "guilty", what would your recommended sentence (actual time in jail) be?

- a) Maximum sentence of 5 years
- b) Maximum sentence of 2-3 years
- c) Maximum sentence of 1 year
- d) Maximum sentence of 8 months
- e) Maximum sentence of 6 months
- f) Maximum sentence of 2 months
- g) Maximum sentence of 30 days or less